



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

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IN REPLY PLEASE
REFER TO OUR FILE

September 10, 1998

CC Docket No. 98-67
CC Docket No. 98-90

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RE: Reply Comments In The Matter of Telecommunications Relay Services and
Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities
at CC Docket Nos. 98-67 and 98-90.

To Whom It May Concern:

Enclosed please find an original and six (6) copies of Reply Comments on behalf of the Pennsylvania Public Utility Commission, in the above referenced matter. On this date, a paper copy and a 3.5 inch diskette of our Reply Comments has also been sent to Carmell Weathers, Common Carrier Bureau, Network Services Division, of the Federal Communications Commission; and a copy has been filed with the FCC's copy contractor, International Transcription Services, Inc.

Additionally, enclosed is a copy of our Reply Comments to be time-stamped and returned to me in the attached self-addressed envelope

Sincerely,

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Enclosures

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544**

In the Matter of)
Telecommunications Relay Services and)
Speech-to-Speech Services for Individuals)
with Hearing and Speech Disabilities)

CC DOCKET NO. 98-67
CC DOCKET NO. 98-90

**COMMENTS OF
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION
ON NOTICE OF PROPOSED RULEMAKING
IN THE MATTER OF TELECOMMUNICATIONS RELAY
SERVICES AND SPEECH-TO-SPEECH SERVICES FOR
INDIVIDUALS WITH HEARING AND SPEECH DISABILITIES**

I. Introduction

Pursuant to the Federal Communications Commission's (FCC) Notice of Proposed Rulemaking (NPRM) released on May 20, 1998, the Pennsylvania Public Utility Commission (PA PUC) submits these reply comments on the proposed rulemaking in the matter of Telecommunications Relay Services (TRS) and Speech-to-Speech (STS) Services for Individuals With Hearing and Speech Disabilities. In addition, the NPRM has requested comments on ways in which TRS can be improved, both to better serve current TRS users and to broaden the potential universe of TRS users.

As a matter of independent state law, Pennsylvania mandated as part of its criteria to approve an alternative form of regulation for telephone companies that persons with disabilities be provided with telecommunications products and services. This mandate was put in place by the Pennsylvania General Assembly several years prior to the enactment of the Telecommunications Act of 1996. The PA PUC continues to implement its statutory commitments to persons with disabilities in accordance with its state law.

The PA PUC oversees the Pennsylvania TRS as provided through a contract with a telecommunications company: AT&T Telecommunications of Pennsylvania, Inc. (AT&T). The PA PUC submitted comments on the NPRM on July 17, 1998. The PA PUC respectfully submits these reply comments in response to the NPRM.

The PA PUC solicited comments from the members of the Pennsylvania Relay Service Advisory Board on the NPRM. These comments were incorporated herein.

In summary, following are the key substantive arguments raised in this pleading, as more fully explained in the succeeding Comments:

- ¶14. TRS should not be limited to the use of TTYs or any other pre-established protocol.
- ¶15. TRS providers should receive reimbursement for providing FCC-approved improved relay services, whether voluntary or mandatory.
- ¶16. The Interstate TRS Fund Advisory Council should develop guidelines for interstate cost-recovery for improved TRS, within six months of the adoption of a *Report and Order* in this proceeding.
- ¶18. The current definition of "Communications Assistant" (CA) is too restrictive and should be amended.
- ¶23. STS services for callers with speech disabilities should be mandatory.
- ¶24. STS services should be provided at regional or national centers.
- ¶25. A two-year timeline for implementation of STS allows TRS providers with an opportunity to formulate the most cost-effective provision of STS services.
- ¶26. The FCC's rules governing mandatory minimum standards, at §64.604, should be revised to remove the reference to "TT "
- ¶32. Video Relay Interpreting Services (VRI) should not be mandated at this time.
- ¶34. The FCC's rules regarding *confidentiality and conversation content* and *types of calls* should apply to the provision of VRI services.
- ¶37. State TRS program administrators should decide whether to implement Multilingual Relay Service (MRS) in their state.
- ¶38. Only same-language relay that is functionally equivalent to services offered to the general population in a given state should be recoverable from the TRS Funds.

American Sign Language (ASL) translation should be required in every TRS center and training on ASL translation should be provided to CAs.

- ¶41. There should be a national standard for handling emergency calls through TRS centers. TRS centers should be required to have an on-line, up-to-date database of ANI information for transferring emergency calls to the appropriate emergency center. The definition of an emergency call should be "any call proclaimed to be an emergency by the caller or a caller requesting connection to 9-1-1."
- ¶46. CAs should be allowed to alert the TRS user to the presence of a recorded message and to summarize the message or listen for specific information.
- ¶51. The speed-of-answer time frame should be triggered when a call initially arrives at the TRS provider's network and the 85%/10-second compliance rule calculation should be performed daily.
- ¶51. The PA PUC does not agree with the FCC's proposed rule amendment eliminating the 30-second standard for a CA to dial the requested number and disallowing TRS automated answering systems.
- ¶52. The 10-second speed-of-answer time frame should be triggered when a call initially arrives at the TRS provider's network.
- ¶62. The minimum length of time for a CA to remain with a call before an in-call CA transfer can take place should be between 7 and 10 minutes.
- ¶65. The PA PUC supports the position that intrastate TRS multivendoring should not be required at this time. It is the PA PUC's position that the FCC does not have the authority to require intrastate multivendoring and that for it to attempt to impose such authority is improper and contrary to the intent of the statute. This decision should rest with the states.

- ¶70. Information gathered by a TRS provider in the provision of service to a state's citizens is the property of, and is transferable to, the state that paid for that relay service for the use of any successor TRS provider.
- ¶72. Customer profiles and preferences as maintained by a TRS provider constitute customer proprietary network information (CPNI). Inasmuch as there are alternatives available to facilitate, mandate, or justify the transfer of customer information, there does not seem to be a need to use Section 222(d)(1) to facilitate the transfer of customer information.
- ¶72. The oversight agency should mandate and authorize the transfer of customer information between the outgoing and incoming providers. The FCC could provide in its rules that changes in TRS providers require the transfer of customer information from an outgoing TRS provider to an incoming TRS provider. Cut-overs between TRS providers should be announced to the public, including notice that customer information will be transferred from the outgoing TRS provider to the incoming TRS provider to facilitate a seamless cut-over. Prospectively, TRS providers could be required to advise customers, prior to opening a customer profile, that data collected in profiles and related information will be available to any successor TRS provider.
- ¶75. States should file documentation demonstrating that the state TRS program remains in compliance with the FCC's mandatory minimum standards if substantive changes impacting the mandatory minimum standards in their state TRS program or changes in the state's vendor are implemented
- ¶75. The PA PUC has a complaint procedure in place and provides complaint information to consumers and, accordingly, supports rules requiring all state TRS programs demonstrate that their programs make complaint procedures available to TRS users.

- ¶76. The PA PUC has adequate complaint procedures and remedies in place applicable to complaints regarding TRS. The relay service provider in PA is held to the same enforcement standards as other certificated carriers and no further procedures for enforcement are necessary.
- ¶77. The FCC should reconsider its position on not proposing rules addressing outreach activities. The PA PUC considers this area critically important to better serve current TRS users and to broaden the potential universe of TRS users. Further outreach should be mandated.

The PA PUC expresses its appreciation for the opportunity to provide input to the Commission on the continuing development of the TRS program. We trust that our comments will be useful and provide assistance in the Commission's decision-making on these TRS matters.

II. Comments

A. Coverage of Improved TRS Under Title IV of the ADA

1. Scope of TRS Generally

14. The PA PUC agrees that Title IV of the American's with Disabilities Act (ADA) directs that a relay service provide communications by wire or radio that enables persons with hearing or speech disabilities to engage in communication with persons without such disabilities, in a manner that is functionally equivalent, and does not limit the service to the use of TTYs or any other pre-established protocol.
15. The PA PUC agrees that TRS providers should be able to receive reimbursement for providing intrastate and interstate improved relay services, whether voluntary or required, provided that the FCC has first issued a determination, through a rulemaking or a declaratory ruling, that a certain service is an "improved" TRS service. The PA PUC believes that new services would not be trialed and brought to the marketplace if the TRS provider were not reimbursed for these services. The PA PUC also agrees that two services should be classified as "improved" TRS services, and that the costs of providing these services should be recoverable by TRS providers. These two improved TRS services are: (1) Speech-to-Speech (STS) service and (2) Video Relay Interpreting (VRI) service.
16. The PA PUC agrees that the Interstate TRS Fund Advisory Council should develop guidelines for interstate cost-recovery for improved TRS within six months of the adoption of a *Report and Order* in this proceeding.

17. The PA PUC agrees that only services that are mandated by FCC regulation must comply with the FCC's existing mandatory minimum standards.

18. The PA PUC agrees that the current definition of "Communications Assistant" is too restrictive to encompass some activities that may be performed by a person who assists in providing TRS. The PA PUC supports the proposed amendment to the current definition by removing the words "from text to voice and from voice to text."

2. Speech-to-Speech (STS) Relay Service

23. The PA PUC agrees that providers of TRS should ensure that STS services are made available to callers with speech disabilities. The PA PUC believes that persons with speech disabilities are confronted with similar limitations in employment and access to the telephone network as persons with hearing disabilities and, as such, would significantly benefit from STS service. In order to encourage the development of new technologies to serve the hearing and speech impaired communities it is necessary to make these technologies available to the target population and to provide funding to the providers. We agree that there are significant benefits that STS service offers to people with severe speech disabilities.

24. The PA PUC is of the opinion that the number in the severely speech disabled community is small, relatively speaking, and, therefore, we support viable state, regional or national centers to handle STS calls. We believe that this would provide cost-effective service and efficient use of personnel trained to deliver STS services. The PA PUC agrees that the adoption of federal rules would assist the states in

developing cost-effective, state, regional or national centers to handle STS calls.
Currently, Pennsylvania does not have a state STS program.

25. The PA PUC agrees with the FCC's tentative conclusion that a two-year timeline for implementation of STS allows TRS providers with an opportunity to formulate the most cost-effective provision of STS services.

26. The PA PUC has reviewed the FCC's rules, at §64.604, governing mandatory minimum standards for TRS and has determined that one exception will need to be made to these standards to accommodate STS services. In order to accommodate STS service, the language in the following existing rule should eliminate the reference to the use of a TT and be modified to read as proposed.

Existing Rule:

§64.604 (b)(4) *TRS facilities* . . . TRS shall transmit conversations between TT and voice callers in real time. . . .

Proposed Rule Change Language

§64.604 (b)(4) *TRS facilities* . . . TRS shall transmit conversations in real time. . . .

The following rule would not need to be changed to accommodate STS:

§64.604 (b)(2) *Speed of Answer* . . . and no more than 30 seconds shall elapse between receipt of dialing information and the dialing of the requested number.

The length of time elapsing between the receipt of the dialing information and the dialing of the requested number is dependent solely upon the operator and has nothing to do with the functional speech limitations of an individual caller. The 30-second time requirement begins once the operator receives all the dialing instructions.

3. Video Relay Interpreting (VRI) Services

32. The PA PUC agrees that VRI should not be mandated by the FCC's TRS rules at this time. More experimentation and trial offerings by relay providers are needed to fine tune this service and develop a cost-effective and practical VRI platform.

34. The PA PUC agrees that the FCC's rules regarding *confidentiality and conversation content and types of calls* should apply to the provision of VRI services. The PA PUC agrees that VRI would be considered a relay service within the meaning of Title IV. Accordingly, the costs of interstate and intrastate VRI are recoverable from the respective TRS funds, subject to guidelines developed by the Interstate TRS Fund Advisory Council. We believe that it is necessary to provide funding for TRS services, within established guidelines, and with state level preapproval, to support the development of new and improved services by the TRS providers.

4. Multilingual Relay Services (MRS) and Translation Services

37. The PA PUC agrees that the state TRS program administrators should decide whether to implement MRS in their respective states.

38. The PA PUC agrees that, to the extent voluntarily provided and to the extent that it is functionally equivalent to services offered to the general population in a given state, the costs of same-language intrastate or interstate MRS would be recoverable from the respective TRS Funds. This cost recovery supports the voluntary development and offering of MRS.

The PA PUC believes that MRS should only encompass same-language relay with the exception of ASL relay translation. To be done properly, the interpretation of ASL would require additional training of the Communications Assistants (CA) in order for them to have a clear understanding of Deaf culture and ASL syntax. The purpose of the TRS is to enable a person with a hearing and/or speech disability to communicate over the telephone network with a person without such a disability. ASL is the native language to many persons within the Deaf community, and ASL is distinct from the English language to the extent that it is essentially a unique language. As such, the translation of this language to make it readily understood by the average English speaking person would be an integral part of a service that is meant to enable communications between the ASL and non-ASL communities. The removal of the ASL barrier is essential to providing functional equivalence in telecommunications service through the TRS. This ASL translation should also occur when the non-ASL user communicates back to the ASL user. The PA PUC believes that an ASL translator should be required in every TRS center.

5. Access to Emergency Services

41. The PA PUC believes that there should be a national standard for the consistent handling of emergency calls through TRS centers. There is a need for greater education to the TRS user community regarding how to make an emergency call either by dialing direct to 9-1-1 or by using the relay center. Particular attention needs to be directed at educating the TRS user community about how to place a call to their local 9-1-1 center, and to educating the 9-1-1 centers about the importance of correctly and expeditiously handling TRS calls.

Due to the nature and needs in an emergency situation, it is important that the TRS centers be required to pass a caller's automatic number identification (ANI) to an emergency services operator, even if the TRS caller disconnects before emergency personnel are connected. This is necessary to create the functional equivalent of 9-1-1 "call-back." In order for the CA to place an emergency call it is necessary for the TRS centers to use databases to match the TRS caller's ANI to the appropriate emergency service numbers in the caller's area.

Concerning the issue of how an "emergency call" should be defined, the PA PUC does not believe that it is the job of the relay center or the CAs to make this determination. Any interpretation or definition of an emergency call on the part of the relay center or the CA may create liability on the part of the relay center. As such, the "definition" of an emergency call would be any call proclaimed to be an emergency by the caller or a caller requesting connection to 9-1-1.

Proposed Rule Language

(X) *Emergency Calls.* An "emergency call" is defined as any call during which the caller claims the call to be an emergency or requests connection to 9-1-1. TRS providers shall, except during network failures, ensure that an up-to-date database is available to all CAs, at all times, to match the TRS caller's ANI to the appropriate emergency service number in the caller's area, automatically and instantaneously. TRS centers shall pass a caller's ANI to an emergency services operator, even if the TRS caller disconnects before emergency personnel are connected, creating the functional equivalent of 9-1-1 "call-back."

The PA PUC notes that, if the FCC adopts mandatory STS services, there is a high probability that most emergency calls from STS callers would be made through the STS relay centers.

6. Access to Enhanced Services

46. The PA PUC agrees that CAs should be allowed, when encountering an interactive recorded message during a TRS call that cannot be relayed verbatim due to technical limitations, to alert the TRS user to the presence of a recorded message. In addition, the PA PUC agrees that the CA should be permitted to inquire as to whether the TRS user wishes the CA to summarize the message or to listen for specific information. Computer-driven, voice-menu systems have become a normal aspect of our society and, accordingly, access to them is necessary to provide functionally equivalent service.

B. Mandatory Minimum Standards

1. Speed-of-Answer Requirements

51. The PA PUC agrees that the speed-of-answer time frame should be triggered when a call initially arrives at the TRS provider's network. We also agree that the calculation of whether a provider is in compliance with the rule that the TRS shall "answer 85% of all calls within 10 seconds" must be performed on a daily basis.

However, the PA PUC disagrees with the FCC proposed rule amendment providing "TRS providers to answer 85% of all calls within 10 seconds *by a CA prepared to place the TRS call at that time.*" We also disagree with the position that the practice of having calls answered by an automated system should be eliminated. The use of automated call answering systems allows economic efficiencies at the TRS centers. The problem is not the use of the automated call answering systems. It would be a

step backwards in terms of technology and economic efficiency to eliminate the use of automated call answering systems. The number of rings before any answer and the extended times that callers spend in queue is the real crux of the problem.

In Pennsylvania, the process and timing for a relay call is as follows: (1) a TTY relay user calls the '800' relay center number; (2) the automated system answers the call, within the requirement of answering within 10 seconds at least 85% of the time; (3) the TTY relay user types in the telephone number and any other special calling instructions, and gives the "GA" (Go Ahead) signal; (4) at the "GA" signal the relay center receives the dialing information and starts the timing countdown for the dialing of the requested number, of 30 seconds, and the call is sent into queue; (5) a live CA comes on the line and begins dialing the number to place the call, stopping the timing countdown for dialing the requested number. In this process, the maximum amount of time a caller would wait from the inception of the call to placement of the call would be 40 seconds. This appears to be in compliance with the intent of the existing rule.

The existing rule provides for a standard for answering calls (10 seconds) and a standard for the elapsed time between the receipt of dialing information and the dialing of the requested number (30 seconds), for a maximum elapsed time of 40 seconds. As described above, in Pennsylvania the queue time is included in the elapsed time before the dialing of the requested number. The speed-of-answer rule could be modified to add clarity for the calculation and add an overall maximum time limit of 40 seconds. In this way there would be consistency in how all providers calculate this information. This modification, in conjunction with the proposed daily average calculations, could make a big impact on the speed-of-answer problem.

Alternately, the speed-of-answer rule could be changed to a lesser elapsed time to dial the requested number, thus requiring faster response times at the relay centers. But the PA PUC feels that some allowance for elapsed time before a CA dials the requested number is needed for staffing and efficiency reasons.

52. The PA PUC agrees with the recommendation to require that the 10-second speed-of-answer time frame be triggered when a call initially arrives at the TRS provider's network.

3. In-Call Replacement of CAs

62. The PA PUC agrees that the rules should be amended to require a minimum length of time for a CA to remain with a call before an in-call CA transfer can take place. The average length of a call is approximately 5-6 minutes. Therefore, a minimum length of time of between 7 and 10 minutes for a CA to remain with a call before an in-call CA transfer can take place would be adequate for the majority of calls to be processed without an in-call CA transfer.

In its comments, AT&T stated that from January 1996 through March 1998, 93% of all calls utilized only one (1) CA. If this is at all representative of the experience of all TRS providers, it shows that the TRS providers are already close to adhering to the suggested standard and that it should not be burdensome for them to come into compliance with the suggested standard.

65. The PA PUC supports the position that intrastate TRS multivendoring should not be required at this time. Title IV of the ADA (47 U.S.C. 225(c)) specifically provides for

each state to decide whether to adopt intrastate multivendoring or whether to adopt a single vendor selected through a competitive bidding process. It is the PA PUC's position that the FCC does not have the authority to require intrastate multivendoring and that for it to attempt to impose such authority is improper and contrary to the intent of the statute. This decision should rest with the states.

Depending upon how a particular program is administered, there may be problems with both single vendor and multivendor models. The competitive bidding process to contract a single vendor creates a competitive environment as long as the contract is for a limited time period, requiring re-bids on a regular basis. Otherwise, if the contract is allowed to remain in effect over an extended period of time without re-bid, the competitive process breaks down and the state is limited by the services offered by the contracted vendor. The multivendoring process may give choice to the TRS consumer that is desirable. However, a vendor that is sharing a territory with other vendors may be less willing to give an optimum low bid for providing that service.

With single vendoring contracts, we would suggest that competitive/quality problems may be resolved by requiring the contract to be re-bid on a regular basis. Re-bidding and awarding new contracts on a regular basis promotes competition, which is the best protection of ensuring low prices and high quality. In addition, requiring re-bids on a regular basis would permit the state to make whatever adjustments to the vendor's services that it deemed necessary to promote competitive prices and quality service. Multivendoring, on the other hand, may pose its own problems such as facilitating greater cooperation among vendors, which may in turn lead to collusive activity, such as territory or customer allocation schemes, which is clearly anticompetitive under the antitrust laws.

As discussed above, there are benefits and drawbacks to both single vendoring and multivendoring models. There is little evidence to show that a multivendoring environment is superior to the single vendoring environment. At the very least, the multivendoring model needs to be explored more extensively on a smaller scale before consideration is given to mandating it as the model of choice over single vendoring. In any case, it should be left up to the individual states to decide which model best suits the needs of that state's consumers.

C. Competition Issues

2. Treatment of TRS Customer Information

70. The PA PUC agrees with the National Association For State Relay Administration's (NASRA) position, in its comment to the NOI, that any information, including caller profile information that is gathered by a TRS provider in the provision of service to a state's citizens, is the property of, and transferable to, the state that paid for that relay service pursuant to the contract.
72. The FCC has asked for detail on the types of data collected by TRS providers from TRS users to form customer profiles, and how the information is used by TRS providers. The types of data collected from TRS users for inclusion in the Relay Choice Profile is as follows: (1) customer's telephone number; (2) password for identification and security purposes (known only to the customer); (3) selection of communications preference, i.e., PC, TTY, TTY/VCO, TTY/HCO, Voice; (4) preferred long distance carrier; (5) preferred regional carrier; (6) choice of spelling correction turned off or left on; (7) choice of having CA identify background noise or

not; and (8) a list of names and numbers the customer wishes to store as memory dial numbers (up to 20).

When a customer with an established Relay Choice Profile calls into the relay center, their Profile is automatically activated. The call is then automatically set up according to the customer's established Relay Choice Profile. If the customer uses the memory dial, the CA can see the names of the persons the customer has stored in memory and select the one requested by the customer. The use of the Relay Choice Profile speeds up the processing time required to set up a call

In addition, the FCC has requested comment on whether the disclosure by an outgoing TRS provider of customer information to a new TRS provider that has won a contract is subject to Section 222 of the Telecommunications Act of 1996. Specifically, the FCC has requested comment on whether TRS providers constitute "telecommunications carriers," and whether information compiled by TRS providers constitutes "CPNI" under Section 222. Comment is also requested on whether such disclosure is permissible without customer approval under Section 222.

After a competitive bidding process, Pennsylvania certificated AT&T as a public utility with authority to render service as the TRS provider, independent of its authority as a long distance and competitive local exchange carrier. Pennsylvania broadly construes the definitions of public utility "services" and "facilities." Consistent with the goal of TRS to make the functional equivalent of access to the public switched network services available to the hearing- and speech-impaired communities, a TRS provider would be a telecommunication carrier within Pennsylvania.

Section 222(f)(1) defines CPNI as "information that relates to the quantity, technical configuration, type, destination, and amount of usage of telecommunications service subscribed to by any customer of a telecommunications carrier solely by virtue of the carrier-customer relationship" and billing information. Clearly, customer profiles and preferences as maintained by a TRS provider constitute CPNI. If an outgoing TRS provider seeks to abandon its authority or if an existing TRS provider's authority is revoked and a new TRS provider is designated, the oversight agency should mandate and authorize the transfer of customer information between the two providers to the same extent that similar information is transferred between other abandoning and incoming utilities. Additionally, the FCC could provide in its rules that changes in TRS providers require the transfer of customer information from an outgoing TRS provider to an incoming TRS provider. Either avenue would bring the exchange of customer information within the Section 222(c)(1) "as required by law" provision. Pennsylvania's enabling legislation (Act 34) and the PA PUC's implementing Order, entered May 29, 1990, at Docket Nos. M-00900239 and A-310125, are silent on such transfers of customer information.

Cut-overs between TRS providers should be announced to the public, including notice that customer information will be transferred from the outgoing TRS provider to the incoming TRS provider to facilitate a seamless cut-over. Prospectively, TRS providers could be required to advise customers, prior to opening a customer profile, that data collected in profiles and related information will be available to any successor TRS provider. This would bring the transfer of such customer information within the ambit of Section 221(c)(1).

Section 222(d)(1) speaks of a telecommunications carrier (not carriers) disclosing customer information, either directly or through its agents, to initiate or render telecommunications services. It does not address the bulk disclosure of all customers' information by one TRS provider to another TRS provider. The new TRS provider is not an agent of the outgoing TRS provider in a Section 222(d)(1) context. Inasmuch as there are alternatives available to facilitate, mandate, or justify the transfer of customer information, there does not seem to be a need to use Section 222(d)(1) to facilitate the transfer of customer information.

D. Enforcement and Certification Issues

75. The FCC tentatively concluded that the states be required to notify the FCC of substantive changes in their state TRS program within 60 days of the effective date of the change and to file documentation demonstrating that the state TRS program remains in compliance with the FCC's mandatory minimum standards. The FCC tentatively concluded "substantive changes" include, but are not limited to: (1) the replacement of the state's TRS vendor; (2) the opening of the state TRS program to allow multiple vendors; and (3) changes in the underlying state rules governing the TRS program involving any of the mandatory minimum standards for TRS.

The PA PUC agrees that the states should file documentation demonstrating that the state TRS programs remain in compliance with the FCC's mandatory minimum standards if substantive changes in a state TRS program or vendor are implemented. The PA PUC also agrees with the FCC's definition of substantive changes. The PA PUC understands that the FCC's definition of substantive changes applies only to a change in vendor or a change impacting the mandatory minimum standards for TRS.

In addition, the FCC tentatively concluded that the rules should be amended to require that, as a condition of certification, a state TRS program must demonstrate that its program makes available to TRS users informational materials on state and FCC complaint procedures sufficient for users to know the proper procedures for filing complaints.

The PA PUC has complaint procedures in place that apply to the relay service provider, requiring a timely review and report to the complainant customer by the service provider. In addition, if the complainant is dissatisfied with the service provider's resolution of the complaint, the service provider is required to notify the complainant of the PA PUC's complaint process. The PA PUC has brochures explaining the state's complaint process available to the public. The PA PUC requires that complaint information be provided to PA consumers and supports rules to require a similar procedure for all relay providers

76. The FCC seeks comment on what modifications to their rules may be needed regarding referral of complaints to certified states and Commission action on TRS complaints. In addition, the FCC seeks comments on whether the FCC should adopt specific guidelines that can be used to assess whether a state TRS program provides "adequate procedures and remedies for enforcing the requirements of the state program."

The PA Relay Center has procedures in place for handling and documenting complaints, as well as commendations. Actions taken and recommendations are also recorded on this documentation, and copies are forwarded to the PA PUC on a

quarterly basis. In the most recent 3 1/2 year period, the PA relay center has received an average of 12 complaints per month, with complaint resolution occurring at the relay center. Many times, complaints result in customer education and, sometimes, complaints result in additional CA training. To date no TRS related complaint has been formally filed with the PA PUC.

Pennsylvania has established a Relay Service Advisory Board comprised of representatives of hearing and speech disabled community organizations, representatives of the PA PUC, a representative of the PA Telephone Association, and a representative of the relay service provider. Complaints and areas of concern regarding how the relay service is operating are addressed at the Board's quarterly meetings. Follow-up by the relay service provider occurs as a result of these communications. This provides a face-to-face forum for the relay user community to raise concerns regarding the relay service with oversight by the PA PUC.

The PA PUC believes that it has adequate complaint procedures and remedies in place applicable to complaints regarding the TRS service provider. There has been no indication of a lack of complaint procedures or referral of complaints to the state level. The relay service provider in Pennsylvania is held to the same enforcement standards as other certificated carriers and no further procedures for enforcement is necessary.

E. Other Issues

77. The PA PUC urges the FCC to reconsider its position on not proposing rules addressing outreach activities. Pennsylvania has recently implemented a Telecommunication Device Distribution Program, as have many other states. To date PA has distributed 700 pieces of equipment to qualifying low-income applicants. The PA PUC believes that this is just the tip of the iceberg representing the need for equipment in the hearing and speech disabled community. The PA PUC believes that a coordinated national outreach and advertising campaign about the TRS service, and the availability of equipment, would do a great deal to inform the public, both within the hearing and speech impaired communities and in the general public, about relay service and how it works. A national campaign would broaden the potential use of TRS and expand the user population. A national outreach and advertising campaign is critical to the continued expansion of this service, and increasing the viability of the relay service to the user population.

Respectfully submitted,



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